

***AN ADJOURNED MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS  
WAS HELD NOVEMBER 5, 2001 AT 4:00 P.M. IN WARRENTON, VIRGINIA***

**P R E S E N T**      Mr. Raymond Graham, Chairman; Mr. Joe Winkelmann, Vice Chairman;  
Mr. Harry Atherton; Ms. Sharon McCamy; Mr. G. Robert Lee, County  
Administrator; Mr. Paul S. McCulla, County Attorney

**A B S E N T**      Mr. Larry L. Weeks

**ADOPTION OF THE AGENDA**

Mr. Winkelmann moved to adopt the Agenda. Mr. Atherton seconded, and the vote for the motion was 4 to 0 as follows, with Mr. Weeks being absent:

*Ayes:                      Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton;  
                                 Ms. Sharon McCamy*  
*Nays:                      None*  
*Absent During Vote:    Mr. Larry L. Weeks*  
*Abstention:             None*

**CITIZENS TIME**

Charles E. Trefzger asked the Board of Supervisors to consider requesting that the ban on truck traffic on Route 17 be lifted in January when the prohibition is due to expire. Mr. Trefzger feels that the increase of truck traffic on Zulla Road is a result on the prohibition of truck traffic on Route 17.

**CONSENT AGENDA**

Mr. Winkelmann moved to adopt the following Consent Agenda items. Mr. Atherton seconded, and the vote for the motion was 4 to 0 as follows, with Mr. Weeks being absent:

*Ayes:                      Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton;  
                                 Ms. Sharon McCamy*  
*Nays:                      None*  
*Absent During Vote:    Mr. Larry L. Weeks*  
*Abstention:             None*

Approval of the September 17, 2001 Minutes of the Board of Supervisors Regular Meeting

A Resolution to Endorse the Candidacy of Mary Lee Carter for Second Vice-President of the Virginia Association of Counties (VACo) Board of Directors

RESOLUTION

A RESOLUTION TO ENDORSE THE CANDIDACY OF MARY LEE CARTER FOR  
SECOND VICE-PRESIDENT OF THE VIRGINIA ASSOCIATION OF COUNTIES (VACo)  
BOARD OF DIRECTORS

WHEREAS, Mary Lee Carter is a duly elected member of the Spotsylvania County Board of Supervisors; and

WHEREAS, Mary Lee Carter has served as both Chairman and Vice-Chairman of the Spotsylvania County Board of Supervisors and has cultivated a close relationship with members of the Virginia Association of Counties in the mutual endeavor of addressing legislative concerns; and

WHEREAS, Mary Lee Carter is currently serving as Secretary-Treasurer for the Virginia Association of Counties Board of Directors; and

WHEREAS, Mary Lee Carter has expressed her willingness to serve as Second Vice-President of the Virginia Association of Counties Board of Directors; and

WHEREAS, recognizing the service, accomplishments and qualifications of Mary Lee Carter, the Fauquier County Board of Supervisors wishes to express publicly its support for the election of Mary Lee Carter; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 5<sup>th</sup> day of November 2001, That the Board does hereby endorse the candidacy of Mary Lee Carter to serve as Second Vice-President of the Virginia Association of Counties Board of Directors.

A Resolution to Authorize a Public Hearing to Amend the FY 2002 Budget in the Amount of \$4,748,535.31

RESOLUTION

A RESOLUTION AUTHORIZING A PUBLIC HEARING TO AMEND THE  
FY 2002 ADOPTED BUDGET IN THE AMOUNT OF \$4,748,535.31

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, the Fauquier County Board of Supervisors adopted the Fauquier County FY 2002 Budget on March 19, 2001; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, the Finance Committee has recommended appropriation of \$2,980,467.31 for the purpose set forth in the Agenda Request a copy of which is attached hereto and incorporated herein; and

WHEREAS, the Finance Committee has recommended deappropriation of \$1,768,068 from the Capital Improvements Program for Northwestern Elementary; and

WHEREAS, the Code of Virginia requires local jurisdictions to hold a public hearing for any amendment to the adopted budget exceeding the lesser of \$500,000 or 1% of the total budget; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 5<sup>th</sup> day of November 2001, That the County Administrator be, and is hereby, directed to advertise a public hearing to consider amending the Fauquier County FY 2002 Budget in the amount of \$4,748,535.31.

**REQUEST FROM DOMINION VIRGINIA POWER AND RAPPAHANNOCK  
ELECTRIC COOPERATIVE TO CONSTRUCT A FEEDER LINE THROUGH THE  
SOUTHERN FAUQUIER AGRICULTURAL AND FORESTAL DISTRICT**

A public hearing was held at the September 17, 2001 meeting to consider a request from Dominion Virginia Power and Rappahannock Electric Cooperative to construct a feeder line through the Southern Fauquier Agricultural and Forestal District.

After discussion, Ms. McCamy moved to adopt the following Final Order. Mr. Winkelmann seconded, and the vote for the motion was 4 to 0 as follows, with Mr. Weeks being absent.

<b><i>Ayes:</i></b>	<b><i>Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy</i></b>
<b><i>Nays:</i></b>	<b><i>None</i></b>
<b><i>Absent During Vote:</i></b>	<b><i>Mr. Larry L. Weeks</i></b>
<b><i>Abstention:</i></b>	<b><i>None</i></b>

FINAL ORDER

AN ORDER DETERMINING NO UNREASONABLE ADVERSE EFFECT BY THE 34.5 kV  
RAPID FEEDER ELECTRICAL LINE PROPOSED BY RAPPAHANNOCK ELECTRIC  
COOPERATIVE AND DOMINION VIRGINIA POWER

WHEREAS, the Rappahannock Electric Cooperative and Dominion Virginia Power have proposed jointly to construct a 34.5kV electric rapid feeder line from the Oak Shade substation near Remington in Fauquier County to a facility near the Clevenger's Corner area in Culpeper County that will relay power to the Orlean substation in Fauquier County; and

WHEREAS, Rappahannock Electric Cooperative and Dominion Virginia Power have identified a route involving the potential acquisition and use of lands currently in the Southern Fauquier Agricultural and Forestal District; and

WHEREAS, pursuant to the requirements contained in Virginia Code Section 15.2-4313, the applicants have filed a report with the Board of Supervisors entitled "Remington to Clevenger's Corner: Express Feeder Distribution Line, Fauquier County"; and

WHEREAS, the applicants state they have chosen the most economic route for the project which requires acquisition of a 45-foot wide swath of land parallel to, but outside of, an existing 150-foot Dominion Virginia Power right-of-way on the Smith property and 19 feet on all other properties; and

WHEREAS, the feeder line would provide improved electrical service to some citizens of Fauquier County; and

WHEREAS, the alternative route for the feeder line would be nearly  $\pm 3,700$  feet longer, require additional acres of right-of-way acquisition, disturb additional parcels and cost approximately \$359,000 more; and

WHEREAS, the preferred route travels through three (3) parcels that are part of the Southern Fauquier Agricultural and Forestal District; and

WHEREAS, the Fauquier Agricultural and Forestal Advisory Committee voted 8-0 on July 26, 2001 that the proposed project may adversely affect the Southern Fauquier Agricultural and Forestal District and notified the Board of Supervisors of this finding in a letter of July 31, 2001; and

WHEREAS, the Fauquier County Planning Commission voted 3-0 on July 30, 2001 to recommend the project's proposed path while stating the public should have an opportunity to comment on the placement for the proposed rapid feeder line and notified the Board of Supervisors of these findings in a memo of July 31, 2001; and

WHEREAS, the Fauquier County Board of Supervisors voted on August 20, 2001 to schedule a public hearing on the request for September 17, 2001 to receive public comment on the proposal and the alternative route, in conformance with the requirements contained in the Code of Virginia Section 15.2-4313; and

WHEREAS, the Board of Supervisors, in conformance with the requirements contained in the Code of Virginia Section 15.2-4313, held a public hearing; and

WHEREAS, the Board of Supervisors has reviewed the proposal entitled "Remington to Clevenger's Corner: Express Feeder Distribution Line, Fauquier County" filed by Rappahannock Electric Cooperative and Dominion Virginia Power; has received and reviewed recommendations of the Agricultural and Forestal Advisory Committee and the Planning Commission; has received and reviewed materials from County staff; and

WHEREAS, the Board of Supervisors has determined that the impacts of the proposed addition of a 34.5kV feeder line where a 500 kV lines currently exist uniquely affect the only dairy farm located within the agricultural and forestal district; and

WHEREAS, the Board of Supervisors has determined that by the imposition of certain conditions it can mitigate the impacts of the proposed line on the property located in the agricultural and forestal district and on state and local policy; and

WHEREAS, by the imposition of the following conditions the Board of Supervisors determines that it may make the following findings that the proposed route for the 34.5kV feeder line:

is necessary to provide service to the public in the most economic and practical manner, and is preferable to the alternative route around the boundary of the Southern Fauquier Agricultural and Forestal District that would require the acquisition of additional property and result in more land disturbance than running parallel to the existing Dominion Virginia Power 150-foot right-of-way, and

will not have an unreasonably adverse effect upon state or local policy;

; now, therefore, be it

ORDERED by the Fauquier County Board of Supervisors this 5th day of November 2001, That the Rappahannock Electric Cooperative and Dominion Virginia Power be, and are hereby, allowed to locate the proposed 34.5 kV rapid feeder electrical line in a 45-foot wide swath adjacent to the existing 150-foot Dominion Virginia Power right-of-way on the Cool Lawn Farms and 19 feet wide on all other properties, subject to the following conditions:

Conditions Applicable to All Properties:

1. No additional towers or lines shall be erected on the property located within the agricultural and forestal district;
2. Prior to increasing the voltage within the 34.5kV lines Rappahannock Electric Cooperative and Dominion Virginia Power shall seek and receive the approval of the Board of Supervisors;
3. Notwithstanding any other condition contained herein to the contrary should the governing body of any other jurisdiction approving a portion of this electric line project require a less impactful method of constructing the 35.4kV electric feeder line such construction method shall also be used in this agricultural-forestal district. Dominion Virginia Power and Rappahannock Electric Cooperative shall have the right to apply to the Board of Supervisors to be relieved from the obligations of this upon a showing that the less impactful method imposed in the other jurisdiction would not result in a lessening of the impact in this jurisdiction or would be uneconomical or impracticable, which decision shall be in the sole discretion of the Board of Supervisors.
4. Rappahannock Electric Cooperative and Dominion Virginia Power will include within any easement agreement executed with landowners within the agricultural and forestal district a covenant against expansion of the easement beyond that granted under this easement.

Additional Conditions Applicable only to dairy farms (Cool Lawn Farm) located in the Southern Agricultural and Forestal District: In order to protect the integrity of the agricultural use of dairy farm properties located within the agricultural and forestal district and to alleviate any unique impact of the proposed electric feeder line on dairy farms the following additional conditions are imposed:

5. The proposed 34.5kV rapid feeder electrical line shall be located on the opposite side of the existing 500kV lines away from the farm structures;
6. Poles for the 34.5kV rapid feeder electrical line shall be located only adjacent to the existing 500kV towers and shall be limited to 3 poles and such crossover poles as are required;
7. Rappahannock Electric Cooperative and Dominion Virginia Power shall work with the farm owner to mitigate impacts related to electricity and the dairy cows located on the farm;
8. There shall not be additional discharge current impact outside of the 34.5 kV easement area from the 34.5kV line. Rappahannock Electric Cooperative and Dominion Virginia Power will upon request conduct testing to determine whether the discharge current exceeds the National Electrical Safety Code provisions regulating discharge of electric current. If the discharge current exceeds the National Electrical Safety Code regulations Rappahannock Electric Cooperative and Dominion Virginia Power will create and implement a plan to bring the level of discharge current into compliance with the National Electrical Safety Code; and be it

ORDERED FURTHER, That the Board of Supervisors evidences its intent that the conditions contained in this Final Order shall be nonseverable; and, be it

FINALLY ORDERED, That the County Administrator is hereby directed to serve a copy of this Final Order upon Rappahannock Electric Cooperative and Dominion Virginia Power by certified mail.

**AMENDMENT TO THE LANDFILL TIPPING FEE FOR CONSTRUCTION AND DEMOLITION DEBRIS**

A public hearing was held at the October 15, 2001 meeting to consider amending the Landfill Tipping Fee for construction and demolition debris to \$25.00 per ton. Mr. Graham moved to adopt the following resolution. Mr. Winkelmann seconded, and the vote for the motion was 4 to 0 as follows, with Mr. Weeks being absent.

*Ayes:* ***Mr. Raymond Graham; Mr. Joe Winkelmann; Mr. Harry Atherton; Ms. Sharon McCamy***  
*Nays:* ***None***  
*Absent During Vote:* ***Mr. Larry L. Weeks***  
*Abstention:* ***None***

RESOLUTION

A RESOLUTION TO INCREASE THE LANDFILL TIPPING  
FEE FOR CONSTRUCTION AND DEMOLITION DEBRIS  
TO TWENTY-FIVE DOLLARS (\$25.00) PER TON

WHEREAS, Fauquier County began operating the construction and demolition debris landfill on July 1, 2001; and

WHEREAS, the volume of waste received is exceeding the monthly estimates which is creating operational pressures; and

WHEREAS, the financial needs of the Landfill Enterprise Fund are significant as reserves are required associated with closure and opening new cells in the future; and

WHEREAS, it appears that the current charge of fifteen dollars (\$15.00) per ton can be increased to twenty-five dollars (\$25.00) per ton without negative impacts; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 5th day of November 2001, That the tipping fee for construction and demolition debris shall be increased to twenty-five dollars (\$25.00) per ton, and this increase shall take effect November 1, 2001.

**SUPERVISORS TIME**

Ms. McCamy said that she had received numerous telephone calls from citizens concerned about the reassessment of their property.

With no further business, the meeting was adjourned.

*I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on November 5, 2001.*

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*G. Robert Lee*  
*Clerk*